

**MINUTES
CITY OF ALVIN, TEXAS
216 W. SEALY STREET
REGULAR CITY COUNCIL MEETING
THURSDAY FEBRUARY 17, 2022
7:00 P.M.**

CALL TO ORDER

BE IT REMEMBERED that, on the above date, the City Council of the City of Alvin, Texas, met in Regular at 7:00 P.M. in the Council Chambers at City Hall, with the following members present: Mayor Paul A. Horn; Mayor Pro-Tem Martin Vela; Councilmembers: Gabe Adame, Keko Moore, Joel Castro, Glenn Starkey, Richard Garivey, and Chris Vaughn.

Staff members present: Junru Roland, City Manager; Suzanne Hanneman, City Attorney; Dixie Roberts, Assistant City Manager/City Secretary; Michael Higgins, Chief Financial Officer; Dan Kelinske, Parks and Recreation Director; and Robert E. Lee, Police Chief.

INVOCATION AND PLEDGE OF ALLEGIANCE

Kurt Wise with Alvin Bible Church gave the invocation. Council member Moore led the Pledge of Allegiance to the American Flag. Council member Garivey led the Pledge to the Texas Flag.

PRESENTATIONS

Promotion of Officers Chesley McDonald, Jason Cleere, Dante Villareal, and Lauren Barkdull to the Civil Service rank of Corporal/Specialist presented by Robert E. Lee, Police Chief.

PUBLIC COMMENT

Justin Gatlin presented comments regarding his opinion on the upcoming agreement with Alvin Sunrise Rotary and the City of Alvin for the Music Fest.

Dick Tyson presented comments regarding redistricting.

CONSENT AGENDA: CONSIDERATION AND POSSIBLE ACTION

Consider approval of the February 3, 2022, City Council meeting minutes.

Consider resignation from Parks & Recreation Board member, Stacy Binford.

Stacy Binford submitted a letter of resignation from the Parks and Recreation Board for her term ending on December 31, 2023. This agenda item is the formal acceptance of said resignation.

With the resignation of Ms. Binford, seven (7) members will remain on the Parks and Recreation Board. Article IX of the Alvin Charter states that there must be at least seven (7) members, and no more than nine (9) members on the Board. No other appointments will be needed at this time unless it is the desire of City Council to do so at a future meeting.

Acknowledge receipt of the 2021 Annual Racial Profiling Report as required by Article 2.134 of the Texas Code of Criminal Procedure.

Article 2.134 of the Texas Code of Criminal Procedure requires that no later than March 1st of each year, that law enforcement agencies submit a report containing the previous year's incident-based data to the Texas Commission on Law Enforcement (TCOLE) and to the governing body of that agency's city or county.

The 2021 report includes data on: gender, race or ethnicity, if race was known prior to the stop, reason for the stop, street address or approximate location of the stop, if a search was conducted, if a search was conducted the reason for the search, if contraband was discovered, description of contraband, result of the stop (verbal warning, written

warning, citation, arrest and if use of force resulting in bodily injury occurred), if an arrest occurred whether it was a penal law, traffic law, city ordinance or warrant. A comparison of demographic data collected with the latest demographic data estimate of the City of Alvin (census.gov 2021), <https://www.census.gov/quickfacts/alvincitytexas>, was completed and submitted to TCOLE as well as the required data on traffic stops for the year. The actual demographic makeup of the city is considered to be outside of this data set as no data set indicates that work, shopping or travel demographics within the city were included.

The 2021 racial profiling report is believed to be representative of our population in general and does not indicate racial profiling bias. No complaints of racial profiling were filed with the Alvin Police Department in 2021.

Consider a bid award to Commercial Chemical Products, Inc. as the City's vendor for Sodium Bisulfite for one (1) year with an option to continue for an additional one (1) year at the same price and conditions, for an amount not to exceed \$25,000 per year; and authorize the City Manager to sign upon legal review.

Sodium Bisulfite is used at the Wastewater Treatment Plant following chlorine disinfection. This product removes the chlorine from the treated wastewater prior to discharging the effluent (treated wastewater) into the receiving stream. This is a Texas Commission of Environmental Quality (TCEQ) requirement in the wastewater treatment process. On January 25, 2022, bids were opened, and Commercial Chemical Products was the lowest qualified bidder for Sodium Bisulfite at \$1.65 per gallon.

Consider a bid award to DXI Industries, Inc. as the City's vendor for Sodium Hypochlorite for (1) year with an option to continue for an additional (1) year at the same price and conditions, for an amount not to exceed \$65,000 per year; and authorize the City Manager to sign upon legal review.

Sodium Hypochlorite (liquid bleach) is a chemical used to disinfect the effluent (treated wastewater) from the City's wastewater treatment plant. This is a Texas Commission of Environmental Quality (TCEQ) requirement for the wastewater treatment process. On January 25, 2022, bids were opened and DXI Industries, Inc. was the lowest qualified bidder for Sodium Hypochlorite at \$1.547 per gallon.

Consider Ordinance 22-A, amending Chapter 2, Administration, of the Code of Ordinances of the City of Alvin, Texas, for the purpose of amending Article I, In General, Section 2-20.1, Carrying Concealed Handguns on City property; and setting forth other provisions related thereto.

This Ordinance amends Chapter 2, Administration of the Code of Ordinances. Proposed changes to this Chapter were presented to City Council at the January 15, 2022, council/staff workshop facilitated with Ron Cox to include changes to Section 2-20.1 and 2-20.3 Senior Citizen Board (adding residency requirements for board members). During such time City Council had no objections to the amendments as presented. The proposed changes were brought before City Council in ordinance form at the February 3rd City Council meeting. Discussion was had on whether residency requirements should be implemented for members of the Alvin Senior Citizens Board. Further discussion was also had on the proposed amendments to Section 2-20.1 regarding carrying of firearms on city property. No action was taken on the ordinance as presented. City Council requested that the ordinance be amended to remove the proposed Senior Citizens Board residency requirements and that it be brought back for consideration at the next meeting.

Included in this ordinance amendment to Chapter 2, Administration in summary:

- *Section 2-20.1 – Amending the carrying of a firearm on City property to reflect current law (presented by Chief Lee). Said amendments reflect the current state law.*

Staff recommends approval of Ordinance 22-A.

Consider Ordinance 22-E, of the City of Alvin, Texas, amending Chapter 8½, Emergency Medical Services, of the Code of Ordinances of the City of Alvin, for the purpose of deleting Section 8½-6 Speed Limitation; and setting forth other provisions related thereto.

This Ordinance amends Chapter 8½-6, Emergency Medical Services, Speed Limitation, of the Alvin Code of Ordinances. The proposed changes were presented to City Council at the January 15, 2022, Council/staff workshop facilitated with Ron Cox. During such time City Council had no objections to removing the entire section,

as the speed of emergency vehicles is managed by state law (Transportation Code, Title 7, Subtitle C, Chapter 546.001 (2)). The changes in summary are:

- Section 8 ½ - 6 – removing the speed limitation within the Code as this is now prescribed by state law. (presented by Ron Schmitz)

Staff recommends approval of Ordinance 22-E.

Consider Ordinance 22-F, of the City of Alvin, Texas, amending Chapter 22, Taxation, of the Code of Ordinances of the City of Alvin, Texas, for the purpose of amending Article I, In General, by adding Section 22-1, Payment of Taxes and Penalties; by amending Section 22-11, Homestead Exemption for the Elderly, Section 22-11.1 Homestead Exemption for the Disabled, 22-13 Local Sales and Use Tax, and 22-14 Homestead Exemption; by deleting in their entirety Sections 22-4, Assessment of Back Taxes, 22-5, When and where taxes due and payable, 22-6, Tax Rolls 22-7, Delinquent taxes, 22-7.1, Payment by installment, 22-8, Certification of amount, 22-10, Collector’s fee, 22-10.1, Waiver of interest on delinquent tax, and 22-12, Notice to property owners of raise in value of property; repealing all ordinances or sections of ordinances in conflict; and setting forth other provisions related thereto.

This Ordinance is amending Chapter 22, Taxation, of the City of Alvin Code of Ordinances. The amendments made will update the Code to reflect current practices and state law. City ad valorem taxes are collected by the Brazoria County Tax Assessor-Collector.

The proposed changes were presented to City Council at the January 15, 2022, Council/staff workshop facilitated with Ron Cox. During such time City Council had no objections to the amendment as presented. The changes in summary are:

- Section 22-1 Add “Payment of Taxes and Penalties”
- Section 22-4 Delete “Assessment of back taxes”
- Section 22-5 Delete “When and where taxes due and payable”
- Section 22-6 Delete “Tax Rolls”
- Section 22-7 Delete “Delinquent taxes—Penalties and interest”
- Section 22-7.1 Delete “Same—Payment by installment”
- Section 22-8 Delete “Same—Certification of amount.”
- Section 22-10 Delete “Same—Collector’s fee.”
- Section 22-10.1 Delete “Waiver of interest on delinquent tax”
- Section 22-11 Amend “Homestead tax exemption for the elderly”
- Section 22-11.1 Amend “Homestead tax exemption for the disabled”
- Section 22-12 Delete “Notice to property owners of raise in value of property.”
- Section 22-13 Amend “Local sales and use tax”
- Section 22-14 Amend “Homestead exemption”

Consider a contract for Election Services with Joyce Hudman, County Clerk, Brazoria County, Texas, for the May 7, 2022, General Election; and authorize the Mayor to sign upon legal review.

This is a contract for election services with Brazoria County to conduct the May 7, 2022, General Election for City Council District A, District D, and At Large Position 2. This contract is similar to the contract authorized by City Council every year to conduct the City’s election. The cost for this General Election could range anywhere from \$4,000 to \$10,000. The cost depends on how many other jurisdictions will be holding a May election. The City Secretary’s Office will handle all the required notices, filings, and general paperwork as required by state election law.

Historical Election Cost (General May Election):

May 2018:	\$4,700
May 2019:	\$11,000
November 2020:	\$12,300 – (May 2020 election moved to November because of COVID)
May 2021:	\$6,200

Early voting and Election Day voting will be held at the Alvin Library. Registered voters may vote at any Early Voting location within the County during Early Voting, or on Election Day, may vote at any Voting Center in Brazoria County. Staff recommends approval of the contract.

Council member Castro moved to approve the consent agenda as presented. Seconded by Council member Adame; motion to approve carried with all members present voting Aye.

OTHER BUSINESS

Consider Resolution 22-R-04, appointing Mohamad “Mo” Ghuneim as the Presiding Municipal Judge for the City of Alvin Municipal Court for a two (2) year term ending March 5, 2024; and authorize the Mayor to sign the Employment Agreement.

On or about Judge Mohamad “Mo” Ghuneim was appointed the Presiding Judge in March 2020 and would like to continue serving the City of Alvin as the Presiding Judge. Judge Ghuneim is responsible for presiding over trials and other court proceedings, performing certain magistrate functions, and general administration of the court. Staff recommends the reappointment and the approval of the Employment Agreement with Judge Ghuneim.

Dixie Roberts, Assistant City Manager/City Secretary, presented this item before Council with explanation. Judge Mo expressed his appreciation to City Council for the opportunity to serve the City of Alvin as the Municipal Court Judge.

Council member Castro moved to approve Resolution 22-R-04; appointing Mohamad “Mo” Ghuneim as the Presiding Municipal Judge for the City of Alvin Municipal Court for a two (2) year term ending March 5, 2024; and authorize the Mayor to sign the Employment Agreement. Seconded by Council member Starkey; motion carried with all members present voting Aye.

Consider Resolution 22-R-05, appointing Mike Merkel to serve as an Associate Municipal Judge for the City of Alvin Municipal Court for a two (2) year term ending March 5, 2024; and authorize the Mayor to sign the Employment Agreement.

Article VI Section 2 of the Code of Ordinance authorizes City Council to appoint Associate Judges as deemed appropriate and necessary by the presiding judge. Presiding Judge Mohamad Ghuneim consents to the reappointment of Mike Merkel as Associate Judge of the City of Alvin. Judge Mike Merkel began serving as an Associate Judge for the City of Alvin in 2013 – overseeing the City’s magistrations in the City jail on a volunteer basis. As an associate judge, Judge Merkel will receive direction from the Presiding Judge, Mohamad Ghuneim, for his duties which include, but are not limited to, arraigning prisoners in the City jail.

The terms and conditions of the proposed Employment Agreement are basically the same with the exception of a requested increase in pay from \$450 per month to \$600 per month that would commence March 2022. Staff recommends approval of Resolution 22-R-05 and the Employment Agreement.

Dixie Roberts, the Assistant City Manager/City Secretary, presented this item before Council with explanation. Judge Merkel expressed his appreciation to City Council for the opportunity to serve the City of Alvin as an Associate Municipal Court Judge.

Council member Moore moved to approve Resolution 22-R-05, appointing Mike Merkel to serve as an Associate Municipal Judge for the City of Alvin Municipal Court for a two (2) year term ending March 5, 2024; and authorize the Mayor to sign the Employment Agreement. Seconded by Council member Garivey; motion carried with all members present voting Aye.

Consider a License Agreement for the Exclusive Use of City Property, independent of the expired donation agreement between the City of Alvin and the Alvin Sunrise Foundation for the Music Festival and Bar-B-Q Cookoff to be held at Briscoe Park from Friday, April 1, 2022, through Sunday April 3, 2022; and authorize the City Manager to sign upon legal review.

In 2014, Alvin Sunrise Rotary and the City executed a Donation Agreement, which in addition to outlining multi-year donations from the Alvin Sunrise Rotary to the Parks Department for equipment and naming rights of the

pavilion at Briscoe Park through 2034, the Donation Agreement established an exclusive usage right to Briscoe Park for the Alvin Music Festival and BBQ cook-off. The 2014 Donation Agreement expired December 31, 2021, and Alvin Sunrise Rotary is requesting to continue exclusive use of Briscoe Park for the Music Festival, independent of renewing the expired Donation Agreement.

At the April 6 and May 4, 2021, Parks Board meetings, the Parks Board recommended renegotiating a renewal of the Donation Agreement.

The License Agreement for Exclusive Use of City Property is used as an annual instrument to acknowledge dates of exclusive use of Briscoe Park and capture other City owned resources such as equipment and personnel requested by the Alvin Sunrise Rotary Club for the purpose of holding the fundraising event "Music Fest and Bar-B-Q Cook-Off." This year, 2 exclusive park use is requested by Alvin Sunrise Rotary Club from March 28 – April 3, 2022, with the actual event scheduled for April 1 – 3, 2022 in Briscoe Park to include food, alcoholic beverages, music, and other entertainment.

Pursuant to the Licensing Agreement, Alvin Sunrise Rotary Club agrees to:

- Adhere to governmental regulations concerning the sale of food and alcohol and obtain appropriate permits*
- Adhere to City's noise ordinance and obtain appropriate sound/noise permit*
- Fence the park area used exclusively for the event*
- Ensure the deployment of police for security and pay the cost of City of Alvin police officers to perform security and/or traffic control*
- Maintain the property in clean condition*
- Abide by all terms of the Community Wide Event Application, including insurance requirements*
- Maintain Comprehensive General Liability insurance naming the City of Alvin as an additional insured*

Pursuant to the Licensing Agreement, the City agrees to:

- Contribute \$20,000 of Hotel Occupancy Tax funds thru the H.O.T. fund grant program (\$10,000 distribution payment made January 20, 2022)*
- Authorize Alvin Sunrise Rotary to sell alcoholic beverages on City property*
- Waive tent fees for individual participating cooks/cook teams*
- Waive Park user fees as outlined in the Community Wide Event Application*
- Provide up to 15 hours of the Alvin Fire Marshal or Assistant Fire Marshal's time for inspection of cookers and other Fire Safety and Prevention services required by the City*
- Provide barricades and cones for street closure*
- Provide EMS personnel and ambulance*
- Provide Mobile Command Truck*
- Provide portable restroom*
- Provide up to 20 picnic tables and 30 trash barrels with liners*
- Provide electricity and water, where already furnished*

Dan Kelinske, Parks and Recreation Director presented this item before Council with explanation. Justin Gatlin, Parks Board member (although not representing the Board in his remarks) spoke to this item again, clarifying his remarks made during public comment portion of the meeting that he did not feel that the license agreement should be approved without another donation agreement in place. Terry Droege, Foundation Chair for Alvin Sunrise Rotary Club presented background information on how this agreement was originally developed. He explained that for most non-profits, donation agreements are focused on naming rights and the donations needed to acquire such rights. He stated that the Sunrise Rotary would continue to give back to the City without a donation agreement in place. Discussion was had on whether a donation agreement between the City and Sunrise Rotary was needed.

Council member Castro moved to approve a License Agreement for the Exclusive Use of City Property, independent of the expired donation agreement between the City of Alvin and the Alvin Sunrise Foundation for the Music Festival and Bar-B-Q Cookoff to be held at Briscoe Park from Friday, April 1, 2022, through Sunday April 3, 2022; and authorize the City Manager

to sign upon legal review. Seconded by Council member Garivey; motion carried with all members present voting Aye.

Presentation and review of recommended changes to Chapter 16½, Parks and Recreation of the City of Alvin Code of Ordinances.

As part a comprehensive review of the City of Alvin Code of Ordinances, Parks and Recreation staff reviewed Chapter 16 ½ Parks and Recreation section of the Code of Ordinances. The recommended changes relate to the daily operation and procedure of the Parks and Recreation Department. This item is for review and discussion purposes only, no action will be taken. If City Council concurs with the proposed changes, an ordinance will be brought back for consideration at a later date. No action is recommended by staff.

Daniel Kelinske, Director of Parks and Recreation Department presented this item before Council with explanation. He highlighted the following proposed changes to Chapter 16 ½:

- Increase parks and recreation board to include from “7 to 9 members” to mirror current charter (chapter16 ½, sec 1) (2009)
- Allow parks director the authority to place the written park rules in parks (chapter16 ½, sec12) (2009)
- Change “concessions” to “concessions, sales, or other charging fees in parks” (chapter16 ½, sec 23) (2009)
- Grant Parks Director additional authority to deny permits to include non-compliance with any approval conditions (Chapter 16 ½, Sec 25) (2009)
- Remove automatic placement of denied permit application on Council Agenda – applicant still retains right to appeal to Council upon request (Chapter 16 ½, Sec 28) (2009)
- Allow Parks Director to establish rules and regulations regarding transfers and refunds and refunds of park permits, subject to approval of the City Manager (Chapter 16 ½, Sec 29) (2009)
- Add penalty provision to Article III, Use of Parks (*addition of Chapter 16 ½ -31*) or make penalty provision that applies to entire Chapter.

There was no action taken this item was for discussion only.

Consider a 60-month contract renewal with Axon Enterprise, Inc. for continued use of the Axon Body Camera system to include hardware/software, licensing, and cloud storage for \$53,187.78 per year; and authorize the City Manager to sign.

In 2013, Alvin Police Department became the first agency in the region to issue body cameras to all of patrol and to mandate their use. In December 2016, Council approved a 60-month contract with Axon Enterprise, Inc. for the use of the Axon Body Camera system which went into effect in February 2017. At that time, 44 cameras and 6-terabytes of cloud storage were put in place, at a first-year cost of \$45,970 and \$29,700 per year for the remainder of the contract.

Since that time, the Department has added 25 cameras and currently have a total of 69. This increase in cameras is due to personnel increases and expansion of the program to include all sworn officers and detention officers. As a result of this expanded usage, storage was added with each new camera for a cumulative addition of 3 terabytes for an overall total of 9 terabytes of cloud storage.

In December 2021, I requested staff to review usage in preparation for contract renewal and discovered that we are currently exceeding our storage and are currently using approximately 12 terabytes of storage. We are required by law to maintain non-evidentiary video for a period of no less than 90-days, after which it is purged. With our growth and program expansion we are adding more video daily than is being removed. Based on this

amount of usage we anticipate a continued rise in storage needs and have included 19 terabytes of storage with this contract to meet those needs. The increase from 9 to 19 terabytes of storage in this contract reflects a yearly increase of \$18,579 over the current storage costs. This contract, like the previous version, includes a hardware update at the beginning of the contract and every 2.5 years of the contract. There is no additional cost for the hardware update. As of this time Axon has not charged us for this overage at this point but their expectation is that we stay within the amount of storage specified in the contract renewal.

Council member Vela entered the meeting at 7:40 p.m.

Robert E. Lee, Chief of Police, presented this item before Council with explanation.

Council member Starkey moved to approve the 60-month contract with Axon Enterprise, Inc. for the continued use of the Axon Body Camera system to include hardware/software, licensing, and cloud storage for \$53,187.78 per year and authorize the City Manager to sign upon legal review. Seconded by Council member Garivey; motion carried by all members present voting Aye.

Discussion on the status of hiring of police officers and a mental health officer to fill vacant positions in the Alvin Police Department.

Robert E. Lee, Chief of Police gave a detailed presentation regarding the difficulty currently had in recruiting police officers.

Consider, if any, requests from individual council members for an item or items to be placed on the upcoming agenda for the next regularly scheduled meeting.

There were no items presented.

REPORTS FROM CITY MANAGER

Items of Community Interest and review preliminary list of items for next Council meeting. Mr. Junru Roland announced items of community interest; and he reviewed the preliminary list for the March 3, 2022, City Council Meeting

ITEMS OF COMMUNITY INTEREST

Hear announcements concerning items of community interest from the Mayor, Council members, and City staff, for which no action will be discussed or taken.

Council member Adame extended an open invitation to the Alvin Noon Lions Club Casino Event, scheduled for Friday February 25th, 6:30 p.m.

Council member Starkey thanked staff for addressing issues with City Council meeting broadcasts and Comcast.

ADJOURNMENT

Mayor Horn adjourned the meeting at 8:27 p.m.

PASSED and APPROVED the 3rd day of March 2022.

Paul A. Horn, Mayor

ATTEST: _____
Dixie Roberts, City Secretary